

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Benjamin J. Ginter, Esq
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Cranford, NJ 07016
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Attorney for Debtor

In Re:

David Filippini

Case No.: 18-23457

Judge: SLM

Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following (**choose one**):

1. ☐ Motion for Relief from the Automatic Stay filed by _____, creditor,

A hearing has been scheduled for _____, at _____.

- ☐ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for _____, at _____.

- ☒ Certification of Default filed by _____ Trustee,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons (**choose one**):

- ☐ Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

☒ Other (**explain your answer**):
Debtor was offered a trial modification in November, 2018

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 1/7/19

/s/ David Filippini
Debtor's Signature

Date: _____

Debtor's Signature

NOTES:

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.



11/16/2018

DAVID FILIPPINI
49 SIEK RD
KINNELON, NJ 07405

Re: Loan Number: 0000660035
Property Address: 49 SIEK RD, KINNELON, NJ 07405

Dear DAVID FILIPPINI:

The letter is in response to your request for loss mitigation with Pacific Union Financial, LLC ("Pacific Union") on the loan referenced above. Pacific Union has reviewed your loan for any available assistance options and we have approved you for the option indicated below.

Loss Mitigation Options

Payment Plans		
Program	Determination	Reason for Non-Approval
Repayment Plan	Non-Approved	Your income is insufficient to support the modified payment amount.
Special Forbearance	Non-Approved	You are no longer unemployed.

Modifications		
Program	Determination	Reason for Non-Approval
Standard Modification	Non-Approved	You have not made at least the minimum number of monthly payments required per investor guidelines.
Standard Modification	Non-Approved	Enough time has not lapsed since you completed a loan modification.
Affordable Modification	Approved	
Streamline Modification	Un-Evaluated	

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Other options may be available to you if you were not approved for one of the home retention options listed above or if you do not wish to accept the approved offer and would prefer instead to leave your home:

Pre-Foreclosure Sale / Short Sale – a property is listed for sale and proceeds of the sale are accepted in exchange for a release of the lien, even if those proceeds are less than the amount owed.

Deed-in-Lieu – a borrower voluntarily transfers title to and possession of the property to Pacific Union to satisfy the mortgage loan debt and avoid foreclosure.

If you have any questions regarding a denial of borrower assistance options or if you would like to pursue a home liquidation alternative described above, please contact our dedicated team of loss mitigation specialists at **844-225-8060** Monday through Friday, 8 a.m. to 5 p.m., CST.

Important Information about Foreclosure

During the evaluation of a first complete application, foreclosure referral and sale activities are suspended. If the decision communicated in this letter is based on a first complete application and this letter states that you were approved for a loss mitigation option, foreclosure referral and sale activities will continue to be suspended until your response time for acceptance and/or appeals has expired. Upon the expiration of the acceptance or appeal response times, foreclosure proceedings may continue if an acceptance or appeal has not been received. If the decision communicated in this letter is based on a first complete application and this letter states that you were denied for all home retention loss mitigation options, foreclosure proceedings may be initiated or resumed. The foreclosure process may also continue throughout evaluation of subsequent applications.

If you were denied for all home retention loss mitigation options, we encourage you to contact us regarding home liquidation alternatives that will allow you to avoid foreclosure.

Questions?

You can contact anyone on our dedicated team of loss mitigation specialists at 844-225-8060, Monday through Friday, 8 a.m. to 5 p.m., CST.

You can seek assistance at no-charge from HUD-approved housing counselors who can assist you in understanding potential options to avoid foreclosure. Just call the HOPE Hotline at 1-888-995-HOPE (4673) or visit <http://www.hud.gov/offices/hsg/sfh/hcc/fc/>.

Sincerely,

Loss Mitigation Department
Pacific Union Financial, LLC



Trial Period Plan Notice

11/16/2018

**You may be able to make your payments more affordable!
Call 1-844-225-8060 for Immediate Assistance.**

DAVID FILIPPINI
49 SIEK RD
KINNELON, NJ 07405

Re: Loan Number: 0000660035
Property Address: 49 SIEK RD, KINNELON, NJ 07405

Dear DAVID FILIPPINI :

You have been approved for a/an Affordable Modification. This program requires that you successfully complete a "trial period plan" before your loan is permanently modified. During that trial period, your monthly payments will be set at an amount at or around what your monthly payments would be with a permanent modification.

Please review this Trial Period Plan Notice closely so that you understand all the steps you need to take to obtain a permanent modification of your mortgage. We strongly encourage you to contact us if you have any questions about the trial period requirements so we can help you successfully modify your loan.

How Do I Accept This Offer and Successfully Complete My Trial Period Plan?

To accept this offer and successfully complete your trial period plan, you must:

1. **Sign this Notice and return it to us prior to 11/30/2018 at:**

Pacific Union Financial, LLC
ATTN: Loss Mitigation – Mailstop: 60200
1603 LBJ Freeway, Suite 500
Farmers Branch, TX 75234

2. **Make each Trial Period Plan Payment by the due dates shown below.**

To qualify for a permanent modification, you must make the following trial period payments in a timely manner as specified in the Trial Period Plan below – instead of your normal monthly mortgage payments:

Trial Period Payment Number	Trial Period Payment	Due Date On or Before
1	\$2,996.06	01/01/2019

2	\$2,996.06	02/01/2019
3	\$2,996.06	03/01/2019

If we have not yet received your signed Notice but you make the first trial period payment by the date on which it is due, we will consider this offer to have been accepted.

Your existing loan and loan requirements remain in effect and unchanged during the trial period. **If each trial period payment is not received by Pacific Union in the month in which it is due, you will no longer be eligible for a loan modification and your loan will not be modified.** If your last trial period payment is made in the last half of the month it is due, we may elect to extend your Trial Period Plan by an extra month. Additionally, you must continue making payments in accordance with the terms of this signed Agreement until your permanent Modification Agreement has been ratified by all parties.

If you have any type of optional product, the trial plan terms outlined above do not include payment of any premiums for the optional product. Nonpayment of premiums may result in cancellation of the product with the vendor. Please contact the vendor directly for alternate payment arrangements should you desire to retain the optional product.

How Do I Make My Trial Period Plan Payments?

Please note that options for making your trial payments may be limited. Please review the following payment information carefully and plan ahead to ensure that your trial period payments are made timely.

Trial period payments may be made using Pay by Phone, Mail, or Western Union Quick Collect:

Pay by Phone: You may speak to anyone on our dedicated team of loss mitigation specialists directly over the phone to schedule a payment. Call us at **844-225-8060**, Monday through Friday from 8:00 AM - 5:00 PM CST.

Mail in: You may continue to mail in your payment directly to us. Send payments to Pacific Union Financial, LLC, P.O. Box 679094 Dallas, TX 75267-9094. Please ensure that your loan number is written on your check.

Western Union Quick Collect: You use Western Union Quick Collect to make payments during your trial plan. To utilize this service, provide the Western Union Quick collect agents with the following information:

- City Code: PACUNION
- State: TX
- Point of Sale Name: Pacific Union Financial, LLC

Trial period payments **may not** be made using ACH or personal e-billing services:

ACH Customers: If you are currently on ACH through Pacific Union's Customer Service Center, you must **make your trial period payments using another method as described in this Notice**. Your ACH will be stopped when your first trial payment is received. If you are approved for a permanent modification, you will be sent an ACH re-activation form to return with your permanent modification agreement so that these services can begin again with your permanent modification.

Personal e-Billing Services: Trial period payments cannot be made using e-Billing services. If you use third-party billing services (such as your bank's billing service or Checkfree) to pay your mortgage, please be certain to contact them to avoid sending in your mortgage payments while you are making your trial payments using another method as described in this notice.

How Will the Trial Period Plan Payments be Posted to my Account?

Because the terms of your loan have not yet been permanently modified and the trial period plan payments are less than your current periodic payment amounts, the trial period payments will be held in your suspense account. Once sufficient funds are in the suspense account, those funds will be applied as a periodic payment to your loan account and any remaining funds will continue to be held in suspense. This means that, even if you make a trial plan payment, your billing statement and online account may appear as if you haven't.

What's Next?

After all trial period payments are made on time, final modification documents will be sent to you. You will be required to sign these documents for your mortgage to be permanently modified.

Estimated Terms of Your Mortgage Loan once Permanently Modified:

- Unpaid Principal Balance: \$384,057.50
- Interest Rate: 4.875%
- Maturity Date: 04/01/2049
- Principal and Interest Payment: \$2,032.46
- Escrow Payment: \$963.60
- Deferment: \$99,800.00

If you have any type of optional product, the modified terms outlined above do not include payment of any premiums for the optional product. Nonpayment of premiums may result in cancellation of the product with the vendor. Please contact the vendor directly for alternate payment arrangements should you desire to retain the optional product.

Breakdown of the Estimated Amounts to be Capitalized for your Permanent Modification:

- Delinquent Interest through 04/01/2019: \$40,403.85
- Escrow Advance: \$33,354.83
- Corporate Advances: \$6,708.70
- Outstanding Foreclosure Fees and Costs: \$2.57

X _____ Date Signed: _____
DAVID FILIPPINI

If you have any questions or you experience a change of circumstances which creates a hardship in completing the Trial Period Plan, or if you decide not to accept this offer but still want to avoid foreclosure, please contact us. You can reach anyone on our dedicated team of loss mitigation specialists at **844-225-8060**, Monday through Friday, 8 a.m. to 5 p.m., CST.

Sincerely,

Loss Mitigation Department
Pacific Union Financial, LLC

Frequently Asked Questions

What are some programs and resources to help if I have fallen behind on my mortgage?

U.S. Department of Housing and Urban Development (HUD) Certified Counseling Agencies

HUD-approved counseling agencies provide helpful information and resources to homeowners who are experiencing hardship. Visit www.HUD.gov or to find a HUD certified counseling agency, or call 800-569-4287.

Hope Now

Hope Now is an alliance among private, public and not-for-profit groups who share a mission: to prevent foreclosures through outreach to borrowers at risk. Find out more about their available programs and guidance on your options. Visit Hope Now online for more information at www.hopenow.com or call 888-995-HOPE™ (4673).

Hardest Hit Fund

The U.S. Department of the Treasury established the Hardest Hit Fund ("HHF") to help homeowners who are having difficulty making their mortgage payments. Programs were created for those who are unemployed, underemployed and homeowners who owe more than their home is currently worth. The HHF programs are designed and administered at the state level and are customized specifically to address the housing issues that affect each state. The first step is to apply for assistance with your state. To see if your state is participating in HHF, go to www.treasury.gov.

Washington Residents

Assistance for those in Washington state: If you live in the state of Washington and would like to speak with a certified housing counselor, call 877-894-HOME (4663) or visit <https://dfi.wa.gov/homeownership/home>. The website and hotline are resources available exclusively to residents of Washington.

What are some options to help me stay in my home?

Forbearance Plan

If your situation is temporary, you may be able to make reduced or no mortgage payments for a specific period of time providing you with time to improve your situation and get back on your feet.

Repayment Plan

For customers experiencing a temporary hardship, Pacific Union offers repayment plans to help you get back on track. If you qualify, you can pay an amount larger than your contractual monthly payment over a period of time (usually no longer than 6 months) until your loan is current.

Loan Modification

Pacific Union offers loan modifications to help those who are having difficulty making mortgage payments. If you qualify, after a three or four-month trial period plan during which you make payments based on the projected modified terms of your mortgage, you may be eligible to permanently modify your mortgage so that your payments or terms are more manageable. This is a permanent solution to a long-term or continuing hardship.

Partial Claim (Note: This option is only available on loans insured by HUD or USDA)

As part of a loan modification, you may qualify for a loan in the amount that will bring your mortgage current. The loan is considered a subordinate lien that is payable when you pay off your mortgage. If approved, you will be required to sign loan documents as a part of this program.

If I have to leave my home, what are my options?

Short Sale

In some cases, you may not be able to keep your home. A short sale will allow you to sell your home for less than what is owed if you owe more than what your home is worth. This option will allow you to transition out of your home without foreclosure and in some cases, relocation assistance may be available.

Deed in Lieu of Foreclosure or Mortgage Release

You may be able to transfer ownership of your property to us when you are unable to sell your home allowing you to avoid foreclosure. In some cases, relocation assistance is available.

Pacific Union Financial, LLC Disclosures

NOTICE: If you have received a Chapter 7 bankruptcy discharge, Pacific Union Financial, LLC recognizes that the discharge relieves you of all personal liability on the loan. This is not an attempt to collect this debt from you personally. We are in no way attempting to revive your personal liability on your obligation. We do retain the right, however, despite the discharge, to enforce our security interest against the property by foreclosing if a default exists.

Pacific Union Financial, LLC is a debt collector attempting to collect a debt. Any information obtained will be used for that purpose. However, in the event the debt has been discharged pursuant to or the addressee or recipient is under the protection of federal bankruptcy law, this communication is solely for informational purposes and is not an attempt to collect a debt.

The Federal Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers our compliance with this law is the Federal Trade Commission, Equal Opportunity, Washington DC 20580.

Notices of Error:

If you believe an error has been made with respect to your mortgage loan, please provide to us in writing the following information: your name (if you are an authorized third party, also provide the name of the borrower), the account number, and the error you believe has occurred. To submit a notice of error, you must send this information to the following address:

Pacific Union Financial, LLC
ATTN: Qualified Written Requests – Mailstop: 60130
1603 LBJ Freeway, Suite 500
Farmers Branch, TX 75234

Requests for Information:

To request information regarding your account, please send us a request in writing with the following information: your name (if you are an authorized third party, also provide the name of the borrower), the account number, and the information you are requesting. To submit a request for information, you must send this information to the following address:

Pacific Union Financial, LLC
ATTN: Qualified Written Requests – Mailstop: 60130
1603 LBJ Freeway, Suite 500
Farmers Branch, TX 75234

The following notice applies to Arkansas residents only:

Please note that Pacific Union Financial, LLC is licensed in Arkansas (Mortgage Servicer 104123) and that complaints about Pacific Union Financial, LLC may be submitted to the Arkansas Securities Department via the Department's website (<http://www.securities.arkansas.gov/>) or toll-free (800-981-4429).

The following notice applies to California residents only:

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8:00 a.m. or after 9:00 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

The following notice applies to Hawaii residents only: Pacific Union Financial, LLC is licensed by the Division of Financial Institutions for the State of Hawaii (Mortgage Servicer License MS092). A borrower may file a complaint about Pacific Union Financial, LLC with the Commissioner using the following address: Division of Financial Institutions Department of Commerce and Consumer Affairs King Kalakaua Building 335 Merchant Street, Rm. 221, Honolulu, HI 96813 **If you believe your loss mitigation option request has been wrongly denied, you may file a complaint with the state division of financial institutions at (808) 586-2820 or <http://cca.hawaii.gov/dfi/file-a-complaint/>.**

The following notice applies to Maine residents only:

The telephone number and hours of availability for Pacific Union Financial, Inc. are as follows: 844-225-8060, Monday –Friday 8 am to 5 pm CST.

The following notice applies to Massachusetts residents only:

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE CREDITOR. The telephone number and hours of availability for Pacific Union Financial, Inc. are as follows: 844-225-8060, Monday –Friday 8 am to 5 pm CST.

The following notice applies to Minnesota residents only:

Pacific Union Financial, LLC is licensed by the Minnesota Department of Commerce (Registration 40448784).

The following notice applies to Montana residents only:

Pacific Union Financial, LLC is licensed by the Division of Banking and Financial Institutions for the State of Montana (Mortgage Servicer License 2221). A borrower may file a complaint about Pacific Union Financial, LLC with the Department: Division of Banking and Financial Institutions, 301 South Park, Suite 316, PO Box 200546, Helena, MT 59620 Phone: (406) 841-2920 Fax: (406) 841-2930

The following notice applies to New York residents only:

NOTICE PURSUANT TO NEW YORK STATE BANKING REGULATION 419: Pacific Union Financial, LLC is registered as an Exempt Loan Servicer (NMLS Unique ID Number 2221, New York Registered Exempt Mortgage Loan Servicer B501015) with the Superintendent of the Department of Financial Services for the State of New York. A borrower may file a complaint about Pacific Union Financial, LLC with the New York Department of Financial Services. A borrower may obtain further information from the New York Department of Financial Services by calling the Department's consumer Help Unit at 1-800-342-3736 or by visiting the Department's website at www.dfs.ny.gov.

The following notice applies to New York City, NY residents only:

Pacific Union Financial, LLC is licensed by the New York City Department of Consumer Affairs (License 2038586-DCA).

The following notice applies to Texas residents only:

Statement: Pursuant to Texas Finance Code Chapter 158.101, a registrant shall provide to the borrower of each residential mortgage loan the following notice not later than the 30th day after the registrant commences servicing the loan:

COMPLAINTS REGARDING THE SERVICING OF YOUR MORTGAGE SHOULD BE SENT TO THE DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 North Lamar, Suite 201, Austin, Texas 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT (877) 276-5550.

The following notice applies to Utah residents only:

As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations.

The following notice applies to West Virginia residents only:

The activities of collection agencies in West Virginia are regulated by the Attorney General's Consumer Protection Division, 812 Quarrier Street, Charleston, WV 25301. Federal law prohibits agencies from contacting you about your debt if you send a letter requesting that all contacts stop.